

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-v-	:	15-CR-473 (JMF)
	:	
MARCOS ANTONIO MENDEZ FELIZ,	:	<u>ORDER</u>
	:	
Defendant.	:	
	:	
		----- X

JESSE M. FURMAN, United States District Judge:

On September 17, 2024, Mendez-Feliz, proceeding without counsel, filed a “MOTION FOR CORRECTION OF SENTENCE PURSUANT TO AMENDEMENT 684 (2006) USSG § 2D1.1(d)(1), 3582(C)(2) SECOND DEGREE MURDER § 2A1.2(a).” *See* ECF No. 70. By Memorandum Opinion and Order entered on November 21, 2024, the Court denied the motion as “frivolous.” ECF No. 77. Mendez-Feliz has since filed a notice of appeal. *See* ECF No. 78.

The Court has now received a “reply motion” from Mendez-Feliz. *See* ECF No. 79. (The “reply motion” is dated November 18, 2024, but — for reasons that are not clear — it was not docketed until January 6, 2025.) The “reply motion” is moot in light of the Court’s November 21, 2024 ruling. To the extent that it can or should be construed as a new request for relief, however, it is denied as meritless. *See* Fed. R. Crim. P. 37(a) (noting that a district court may deny a motion where it lacks authority to grant the motion due to a pending appeal).

The Court certifies, pursuant to Title 28, United States Code, Section 1915(a)(3), that any appeal from this Order would not be taken in good faith, and *in forma pauperis* status is thus denied. *See* *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to terminate ECF No. 79 and mail this Order to:

Marcos Antonio Mendez Feliz
Register No. 87071-054
FCI Fort Dix
Federal Correctional Institution
P.O. BOX 2000
Joint Base MDL, NJ 08640

SO ORDERED.

Dated: January 7, 2025
New York, New York


JESSE M. FURMAN
United States District Judge